

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LEVI LEHV, M.D.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:10CV02290 AGF
	)	
SPECTRUM HEALTHCARE RESOURCES	)	
INC., and HEALTHCARE RESOURCES	)	
MEDICAL ASSOCIATES, INC.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This diversity matter is before the Court on Plaintiff's motion (Doc. #16) to set aside the Court's dismissal of Defendant Spectrum Healthcare Resources, Inc. ("SHR") from this action. On December 7, 2010, Defendants filed a motion to dismiss SHR, along with Defendants' notice of removal based upon diversity jurisdiction. Defendants presented evidence that SHR, a non-diverse Defendant, was fraudulently joined in that there was no basis in law or fact supporting a claim against this entity. Plaintiff did not respond to the motion, and the Court granted it on March 9, 2011.

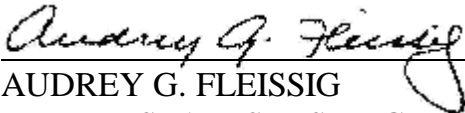
Plaintiff now asks the Court to "set aside" the dismissal of SHR. Plaintiff provides no basis for its request, other than to state that he "has a valid defense" to Defendants' motion to dismiss SHR. Defendants oppose Plaintiff's motion, and argue that even if the Court were inclined to allow Plaintiff to present his argument belatedly as to why SHR should not have been dismissed, the Court should deny the motion to set aside the

dismissal, and grant Plaintiff time to file a Motion for Reconsideration of the Court's Order of March 9, 2011. The Court agrees with Defendants' alternative position, and will allow Plaintiff an opportunity to file a Motion for Reconsideration of the Court's March 9, 2011 Order.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion to set aside the dismissal of Defendant Spectrum Healthcare Resources, Inc., from this action is **DENIED**. [Doc. #16]

**IT IS FURTHER ORDERED** that Plaintiff shall have up to and including April 21, 2011, to file a Motion for Reconsideration of the Court's Order dismissing Defendant Spectrum Healthcare Resources, Inc., from this action, along with a memorandum of law in support of such a motion.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 12th day of April, 2011.